

**APPROVED 12/01/2005**

At 6:20 pm the Board's meeting was called to order. Present were Selectmen Gene Cordes, Peter Bolduc, and Donald Gates Jr; and Town Administrator Heidi Carlson.

Selectmen reviewed the agenda.

Neal Janvrin came into the meeting at 6:30 pm.

Selectmen asked if Chief Janvrin had any issues with the Grassdrags that would warrant a follow-up meeting. Janvrin did not, but indicated that there was some discussion, very preliminary, about changing the weekend to one earlier in September due to the many poor weather weekends the event has faced, historically.

Additionally, the Budget Committee has asked about the email accounts, and Chief Janvrin believed he may have an additional Comcast address that could be used by the Fire Department. He will verify the existing accounts versus the ones used by his website.

Janvrin said that he got a letter from Senator Jack Barnes today. Barnes was following up on a conversation they had recently about Janvrin's thoughts on the unfairness of having the Town's do all the work on enforcement and all the money from tickets go to the State. Barnes is proposing legislation to have 5% of summonses collected come back to the Town's. Janvrin asked the Board for their support on this issue. Selectmen agreed that this was a good idea and will get some money back to the Town. Janvrin also wanted the Selectmen to network the issue out to fellow Selectmen as well.

**NEW BUSINESS**

1. Bolduc moved to approve the payroll manifest \$18,056.85 (includes Fire Department Points and Insurance stipends) and accounts payable manifest \$24,727.56. Gates seconded and the vote was unanimously approved.
2. Selectmen signed outgoing correspondence to Brande McLean regarding her noise ordinance suggestions and another letter regarding the special election to replace Bob Dodge.
3. Selectmen approved a request from Kathy Herrmann to use the second floor meeting room on December 6<sup>th</sup> from 6:00 to 8:00 pm for a Girl Scout Leaders meeting. That evening the Budget Committee is on the first floor and the Open Space Committee is meeting in the basement meeting room.
4. A land use change tax abatement for Albert Boutin and Elizabeth Bruner-Boutin on parcel 01-041 was approved for the assessment and interest based on a time delay in sending it. The form was forwarded to the Tax Collector.
5. Selectmen reviewed the 2005 Fire Department Points Plan. It was initialed and has been approved by the Points system administrator Thom Roy and Chief Heselton.
6. Selectmen reviewed a letter from Thom Roy requesting a line item transfer within the Building Inspection budget of \$198.00 for the purchase of two code books. The funds will be transferred from the fire inspection line as it will not be spent for the remainder of this year on fire consultations.

**OLD BUSINESS**

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1. Selectmen reviewed the minutes for 17 November 2005. Motion was made by Gates to approve the minutes of November 17, 2005 as written. Bolduc seconded and the vote was unanimously approved 3-0. Neal Janvrin left the meeting at 7:00 pm.

**NEW BUSINESS CONTINUED**

7. Selectmen reviewed and approved the December newsletter.

8. Selectmen reviewed and signed the McManus & Nault appraisal contract for the work on the Smith parcels in Fremont and Brentwood, based on the Conservation Commission's vote to undergo this work. The appraisal will be funded in thirds by the Fremont Conservation Commission, Brentwood Conservation Commission and Richard and Robert Smith.

At 7:15 pm motion was made by Bolduc to enter non-public session pursuant to NH RSA 91-A 3 II (c) to discuss a hardship matter. Gates seconded and the vote was unanimously approved.

No decisions were made. The elderly and disabled tax deferral was discussed as well as the possibility of a hardship abatement.

Motion was made by Bolduc and seconded by Gates to return to public session at 7:30 pm. The vote was unanimously approved 3-0.

Guerwood Holmes met with the Selectmen at 7:30 pm. He came in to discuss the winter operations. He explained to the Board that he felt they needed to have the three big trucks for winter that they have had in the past (owned and driven by Guerwood Holmes, Leon Holmes Jr, and Leon Holmes Sr). This would mean that Leon Holmes Jr could not drive the town's new one ton truck.

Holmes said that for the past 20 years and that he is elected, not appointed, and he knows what has to be done. He feels that the Town of Fremont does not have established practices for highway, because having the full-time employee is new for the town. He mentioned the Town of Raymond, where highway workers get double time and a half for work on a holiday. Selectmen indicated that workers if highway work was required here on a holiday, that the worker would receive holiday pay, as well as regular pay for working, and overtime pay if it was over the 40 hour week.

Selectmen and he discussed that there were several issues going on here, including that we have employees now and a piece of town-owned equipment.

In terms of employees, Holmes felt that there were not a lot of guidelines in Fremont for highway department employees. The employee status is new for the town in this department.

He said that he does not feel Fremont understands what the workload is for the winter contractors, and how much they have accomplished over the years they have been doing it. Selectmen offered high regard for the contractors that work in Fremont, indicating they do a great job, and have been very effective over the years.

Holmes said it is not easy to find help that will come out at all hours of the night during a snow storm to plow. He feels that hiring someone for that purpose (to be on call for the town's one ton truck) can be demanding, because it is on call, without set hours or days.

Selectmen said that we have been used to an all-contractor status for many years. In 2004 we updated and hired a full-time employee, and are now working on a building, etc. There is still a lot of equipment

needs to be looked at as well. We are now faced with having town equipment and needing an employee. Holmes feels that the new highway employee and a new vehicle are new facets for the Town to consider. Selectmen said that now that Leon Holmes Jr is a full-time town employee, that he is somewhat of a different status from the contractor. The wage and hour issues were also discussed at length. Holmes said that we have many miles of roads, continually adding to that. Holmes said that without having the three full size trucks to plow, that they will not be able to safely care for the roads.

Holmes said that with Leon Holmes Jr driving the town truck, they would be down one of the big trucks they need, and Holmes Jr does not have another driver for his contracted truck. Selectmen explained that they were thinking about the labor issues, and Holmes is thinking about the contractor issue and the fact that he needs Leon Holmes Jr in a big contracted truck. If Holmes Jr is in the Town's one ton truck then he cannot make any money in his contracted truck, and in fact it may not be worth it to him to keep it. Guerwood does not feel that he can go without Leon Holmes Jr's big truck on the road. Holmes said that he needed the big trucks on the road, and could not find any others to work for the Town (in terms of availability).

Selectmen felt that parking the one ton truck for the winter would make it look like it was not a necessary purchase. This led to discussion about hiring a seasonal, part-time, on-call employee to drive the town's truck for the winter season.

If the Town had purchased a full-size truck, the issue may not be as it is now. The Town owns the plow and sander that are in all of the contracted big trucks (Guerwood Holmes, Leon Holmes Sr, and Leon Holmes Jr).

Overall, Holmes said that he knows he needs three six wheelers with wings and sanders (L Holmes, G Holmes, and L Holmes Jr) and several one ton trucks with plows.

Selectmen discussed the need to transfer monies within the highway budget as there is currently no money budgeted for payroll for another driver. There is also apt to be overtime costs during the busiest winter months.

Bolduc suggested hiring a seasonal truck driver for an on-call basis for the winter. Holmes said he was not asking for that, but said he did need a driver for the winter. He questioned whether he could just assign Michael Holmes to this truck, given that he is the Road Agent. Selectmen indicated that hiring a town employee has to be done through the Selectmen's Office and by using the hiring policy adopted about two years ago. Selectmen explained that for part-time employees, the ad must be posted for at least one week, and the applicant must fill out an application form with the Town.

Selectmen said they had expected that Leon Holmes Jr would have come to the meeting, but Guerwood Holmes said he had advised Holmes Jr not to come. The Selectmen had hoped that he would be part of the discussion. Guerwood Holmes said he did not want Leon Holmes Jr to get "in the middle of it."

Holmes had said that he had called the NH Labor Board when a discussion about full-time (mowing) wages had come up a few months ago. The Labor Board had confirmed that overtime had to be paid for the mowing wages for Leon Holmes Jr if it was worked over his regular 40 in a week. Holmes said he wanted to see the law in writing.

Holmes said that he and Holmes Jr do all of the sanding for the Town of Fremont, and that Holmes Sr does not do the sanding except for in an emergency. He said he can't get people to do the sanding after the plowing is done, and that he and Holmes Jr have been doing it for 20 years.

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Holmes said that Holmes Jr could not be working in the one ton truck and it was a matter of getting the roads cleared, which depended on sanding and salting. Holmes said that the one ton cannot do that work that Holmes Jr can do in his big truck.

Holmes said that near in the future the Town was going to be facing half a million dollars of repair work for the Town. Gates said that the Town needed to look at additional equipment purchases, and Holmes said he was not going to consider that this year.

Holmes said that the big trucks with an operator are paid \$60 per hour, and of that, \$15 is considered to be the operator cost. Given the increased cost of fuels, Holmes was unsure if he would propose increasing the \$60 per hour contracted rate yet for the 2006 budget proposal.

Holmes said he had spoken again with Mr Cyr about the building price, and Cyr is working on it now, to be ready in about a week and a half. Holmes said that he had told Cyr to put in his proposal to pay for the cost of his work to design a building. Holmes expressed concern that his son had done a lot of work on designing the shed and the work was then awarded to another contractor to be built. Selectmen indicated that he should have spoken with the Board in advance, about committing town funds in such a fashion.

Holmes said that he would like to see his operating budget cut by \$100,000 if the building can be built for next year, so that there would not be an increase in taxes.

In discussing hiring another party, the Board said they would want to post the position and Holmes questioned why. Selectmen explained that a hiring policy has been in place for the past couple of years that requires posting of part-time positions for at least a week, and full-time positions being advertised and posted.

Holmes said that they did not want time and a half, were happy with the way they were paid, and would turn it back if they could. Wage and hour laws require work over 40 hours be paid at time and a half, and there was no way to avoid that.

Holmes said that he had changed his mind since beginning to think about this issue of the one ton and a driver, and the duties of Leon Holmes Jr.

Selectmen explained that they did understand Holmes' concerns about road maintenance issues. Gates asked for Holmes to consider the responsibility to the taxpayers as well, given that the one ton truck may be driven by an additional part-time employee. Holmes reiterated that we have a good system going here.

Selectmen said that all of the winter contractors work hard every winter season and Holmes agreed.

Holmes said that he would like to have Michael Holmes in the one ton truck, given his years of working for the town in the past (for the contractors). Holmes said he wanted the Selectmen to make the decision. He said he was unsure what wage would be acceptable to potential candidates. Selectmen asked if they could call Holmes later this evening after further discussing it, and he advised he would call in tomorrow instead.

Selectmen thanked Holmes for this time, and Guerwood Holmes left the meeting at 8:25 pm.

At that time Lisa Maffei met with the Selectmen regarding a line item transfer within the rescue budget for the purchase of gear, to come from the remaining amount in the equipment line. She explained that they wanted to purchase 16 new jackets so that all members would be wearing the same gear and be

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recognizable at scenes. She said they currently have 6 jackets, but are changing the style purchased. They want to purchase a parka-style jacket with a liner at approximately \$119 each unit.

They are looking at Gall's for the purchase of the jackets for approximately \$1,900. They have fundraised some money if necessary for the purchase as well. Selectmen suggested they see what is left in their operating budget for the purchase, and agreed to the line item transfer to cover the cost of the jackets for members.

She also indicated that as a group the rescue squad has decided to lower the stipend amount within the LOSAP plan from \$1,500 to \$1,000 for EMT's and from \$1,000 to \$500 for First Responders. She was asked to submit the revised copy of the plan for the Selectmen to review, as well as for it to go on record as an updated document.

They are resubmitting their budget to include a total of \$20,500 for the stipend and LOSAP programs, which is down from the original submission. This includes LOSAP at \$7,500 and the Points Plan at \$13,000. Lisa will verify this information and get in touch with Carlson tomorrow. They are also scheduled at 8:00 pm before the Budget Committee on Monday November 28, 2005.

Maffei left the meeting at 8:45 pm.

Selectmen discuss the issues surrounding the hiring of an additional part-time highway employee, a wage must be decided upon, a job description compiled, the position posted, held open for seven days, and the potential that someone will have to be put in the position in the interim if it snows prior to completion of the process.

Selectmen discussed at length where to place such a position on the town's wage schedule. The end result was to advertise for a part-time highway laborer/driver for an on call / as needed position, seasonal, for winter snow removal operations only. The Town's existing payroll practices are all in effect. The work week begins on Sunday at 12:01 am and ends on Saturday at 11:59 pm. Paychecks are issued every two weeks as with all payroll items. The position will be posted tomorrow once Guerwood Holmes has discussed it with Carlson and agreed to the process, and the Selectmen will look at the applications received at their meeting of December 1, 2005 with Holmes. The Board decided on \$13.00 per hour without benefits. There is no set number of hours, it is dependent on winter weather needs.

The position is to be posted on Wednesday November 23, 2005 with a job description as discussed this evening and approved on Wednesday by the Road Agent.

Per federal wage and hour law, any work week over 40 must be paid at time and a half. The Board decided that for the remainder of 2005, funds would be moved from winter equipment hire line to a payroll wage line; and for 2006 it would be budgeted accordingly.

With regard to the pay matrix for Leon Holmes Jr, Selectmen decided that if the going rate of pay for contracted six-wheel trucks is \$60 per hour, that only the straight time of \$15.63 (current) will be deducted so that the truck rate at all time is \$44.37 per hour.

Selectmen added that any interested candidates, including anyone working in the interim period, will fill out a job application and go through the Town's hiring process.

**OLD BUSINESS CONTINUED**

2. Selectmen reviewed a rehearing request from the Conservation Commission for the ZBA case on the Gibbs property, parcel 03-117. Selectmen drafted a cover letter for the Motion for Rehearing and attached all of the Conservation Commission's documentation.

## BUDGETS

Selectmen re-reviewed the following budgets and made recommendations:

Election & Registration \$9,310 - to include the special election for the replacement of Representative Bob Dodge's seat.

Insurance \$28,950 – includes all property liability, police liability policy, and \$1,000 for a deductible payment.

Advertising & Regional Association \$6,180 – annual dues to Rockingham Planning Commission and NH Local Government Center.

Other General Government \$10,500 – to cover the cost of printing and mailing the Annual Town Report.

Street Lighting \$3,780 – annual street lights cost.

Animal Control \$8,859 – Selectmen recommended \$300 less in wages so that \$300 could be included in the vehicle maintenance line.

Selectmen reviewed the following budgets and made recommendations:

Financial Administration \$39,345 - No further salary information was available from Mary Anderson, but the prior year wage book will be consulted once it is returned to the Selectmen's Office. Selectmen did recommend the Tax Collector salary of \$16,500 and the Deputy salary of \$5,000.

Solid Waste Collection \$123,518 – received a letter from Carl Hussey with the 2006 renewal contract. As per the original contract, the price is up 2.5% for the cost of living and up 6.2% for the number of new homes in Fremont since this same period last year. The total contract proposal is \$123,518. This is the last year of the contract with Cape Disposal.

Solid Waste Disposal \$128,689 – includes predicted tonnage totals with CPI on current MSW and bulky rates.

Cemeteries \$8,736 – includes only an increase for the electricity costs of the meters. Cost of living increase budgeted, but did not change total requested in the wage line.

Executive (Selectmen's Office portion only) \$92,916 – increases for COL 3% and increased cost of printing and mailing the newsletter.

Selectmen reviewed these budgets and have not yet made recommendations:

Town Clerk – would like more wage information on towns the same size and close in proximity to Fremont.

Rescue \$32,255 - as amended with this evening's request.

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Reappraisal of Property - The Selectmen discussed again the pros and cons of handling the assessing in the quarterly update fashion. There was discussion about the costs annually versus doing a revaluation again in five years. Selectmen felt that with the costs very close, it was better to give the taxpayers a "rest" from the process and not have it go in a continuum for now.

Cordes moved to not do a quarterly measure and list, but instead to do a revaluation again in five years. Bolduc seconded the motion. The vote was approved unanimously. This makes the recommendation for the Reappraisal of Property budget \$34,620.

**NEXT WEEK**

The Budget Committee meets at 7:00 pm on Monday November 28, 2005. Gates will present the Executive Budget if there is time, Jeanne Nygren will be taking minutes at the meeting. The Open Space Committee is scheduled for 7:00 pm and the Rescue Squad at 8:00 pm.

The next regular Board meeting will be held on Thursday December 1, 2005 at 6:00 pm.

All Town Offices are closed on Thursday and Friday November 24 and 25, 2005 for Thanksgiving.

With no further business to come before the Board, motion was made by Gates and seconded by Bolduc to adjourn the meeting at 11:30 pm. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson  
Town Administrator